

**MINUTES**  
**Crested Butte Town Council**  
**Regular Meeting**  
**Crested Butte Town Hall**  
**Monday, June 6, 2005**

Mayor James Schmidt called the meeting to order at 7:02 p.m. Council members present: Alan Bernholtz, Margot Levy, Ron Chlipala, Michael Helland and Bill Coburn. Absent: Skip Berkshire. Staff present: Town Attorney Laura Magner, Town Clerk Eileen Hughes, Town Planner John Hess and Public Works Director Bob Gillie (for part of the meeting).

Schmidt noted that during the work session prior to the regular meeting, Council discussed the proposed Coal Creek Watershed Plan with Town Planner John Hess and Utilities Director L.C. Adams. During the work session Council also discussed a special events permit for the Crested Butte Society's Arts Fair and the Chamber of Commerce's request for a special events permit for the Bicycle Tour of Colorado.

Approval of the minutes of the May 2, 2005 regular council meeting.  
Chlipala moved and Coburn seconded to approve the minutes of the May 2, 2005 regular council meeting. Roll call vote taken with all voting yes. **Motion passed unanimously.**

Approval of the minutes of the May 16, 2005 regular council meeting minutes.  
Coburn moved and Levy seconded to approve the minutes of the of the May 16, 2005 regular council meeting. Roll call vote taken with all voting yes. **Motion passed unanimously.**

**1. PUBLIC COMMENTS**

Crested Butte resident Ceil Murray said there is a problem with noxious weeds along Coal Creek and the Town needs to determine who owns the stream bank easement and who should take responsibility for the noxious weed problem. Council directed staff to review the wording of stream bank easements and to research alternatives for dealing with noxious weeds.

**2. COUNCIL COMMENTS**

Levy:

- Noted that when council held the work session on the proposed 6<sup>th</sup> Street project on Wednesday June 1, 2005 some negative comments were voiced about members of the public not showing up. She said the council should be cautious regarding such comments.
- Explained that she received an e-mail from Crested Butte resident Sue Navy asking if the Town planned a 125<sup>th</sup> anniversary celebration. Schmidt noted that he had mentioned the possibility of a celebration to the Crested Butte Mountain Heritage museum and he will follow up to determine if the museum is interested.
- Recently attended a Mt. Crested Butte Business Association luncheon. The Mt. Crested Butte Council is interested in a joint meeting with the

Council to discuss traffic concerns related to construction of the new base area in Mt. Crested Butte. Council agreed that a joint meeting should be scheduled. Coburn also expressed support for setting up a subcommittee with members of both councils.

Chlipala:

- Explained that he, Levy and Coburn would be attending a Mt. Crested Butte meeting on June 7, 2005 regarding the Three Mile Plan.

Schmidt:

- Noted a letter in the packet from Edward Felton, who recently purchased a home in Crested Butte, complimenting the staff in the Building Department for their knowledgeable work and customer-friendly service.
- Noted a letter from Bell to Gunnison County Manager John Devore thanking the County Public Works department for getting Cottonwood and Kebler passes open for Memorial Day weekend.
- The Rural Transportation Authority recently signed contracts with several major airlines for next winter's service.

#### 4. **PUBLIC HEARINGS**

A) Special Events Permit- Crested Butte Society-Arts Festival-August 5-7, 2005-Elk Ave. There was no discussion (event discussed earlier in work session). Bernholtz moved and Helland seconded to approve a special events permit for the Crested Butte Society Arts Fair. Roll call vote taken with all voting yes. **Motion passed unanimously.**

B) Special Events Permit-Chamber of Commerce-Bicycle Tour of Colorado-June 28-30 Elk Avenue. Schmidt noted that although Elk Avenue will be closed during the event that one lane would remain open to provide access to the Post Office. Levy moved and Bernholtz seconded to approve a special events permit for the Chamber of Commerce Bicycle tour of Colorado. Roll call vote taken with all voting yes. **Motion passed unanimously.**

C) Special Events Permit-Center for the Arts Alpenglow Concerts-June 27, July 11, 18 and 25-Outdoor Stage and Field. Center for the Arts representative Ashleigh Garmon reviewed the program schedule. Schmidt noted there would be a variety of food vendors. Bernholtz moved and Levy seconded to approve special events permit for the Center for the Arts Alpenglow concert series. Roll call vote taken with all voting yes. **Motion passed unanimously.**

D) Union Congregational Church 125<sup>th</sup> Anniversary Celebration. August 14, 2004.

Town Clerk Eileen Hughes explained that there was a scheduling problem and asked that the item be tabled to the June 20<sup>th</sup> meeting. Bernholtz moved and Coburn seconded to table consideration of the Union Congregational Church special events permit and special events liquor license until the June 20<sup>th</sup> council meeting. Roll call vote taken with all voting yes. **Motion passed unanimously.**

E) Special Events Permit-Adaptive Sports 24 Bridges of Butte Townie Tour-June 25, 2005. Adaptive Sports representatives Caroline Collins and John Hopper highlighted details of the event. They explained that participants would be signing a waiver that includes a statement that they are not exempt from traffic regulations. Additionally, participants will be required to have headlights. Collins also noted that solar lights would be placed at entrances to bridges. Chlipala moved and Levy seconded to approve a special events permit for Adaptive Sports 24 Bridges of the Butte Townie Tour. Roll call vote taken with all voting yes. **Motion passed unanimously.**

F) Special Events Permit-Gunnison Car Club –Breakfast Run-August 28, 2005. Blocks 200, 300 and 400 Elk Ave. Schmidt noted that the event would be held on the 200, 300 and 400 blocks of Elk Avenue. Hughes noted that the Town would be covering the cost of the insurance for the event through the Town’s insurance provider. Bernholtz moved and Levy seconded to approve a special events permit for the Gunnison Car Club. Roll call vote taken with all voting yes. **Motion passed unanimously.**

G) Ordinance No. 9, Series 2005- An Ordinance Amending the Town Code to Adopt by Reference the International Mechanical Code, 2003 Edition, the International Plumbing Code, 2003 Edition and the National Electrical Code 2005 Edition. Hughes asked council to continue the public hearing to the June 20, 2005 meeting to give staff time to review the Fuel Gas code and also to give the Town Attorney time to amend the Ordinance to include adoption of the fuel gas code.

Levy moved and Bernholtz seconded to continue the public hearing on Ordinance No. 9, Series 2005 until the June 20, 2005 council meeting. Roll call vote taken with all voting yes. **Motion passed unanimously.**

H) Ordinance No 10, Series 2005-An Ordinance Amending the Town’s Zoning and Land Use Ordinance Regarding the Satisfaction of Town Parking Requirements. Schmidt read the title of the ordinance and opened the public hearing.

Ruta Haye asked council to explain the ordinance. Schmidt explained the basics of the ordinance. Hess noted that section 6-5 should probably be amended for clarity. Magner agreed that wording should state that the list of restaurant uses is “as they existed as of May 14, 1994” and she noted that all other similar references in the ordinance should be amended.

Council briefly commented on the ordinance. Levy questioned if it was in the public interest that properties listed in Appendix “A” do not make a contribution to parking. Chlipala commented that grandfathering in the parking for restaurants that existed as of May 14, 1994 helps keep buildings viable and is in the public interest. He noted, for example, that payment in lieu of parking for the Forest Queen to revert back to a restaurant would be \$18,000 and that could limit the development of a restaurant. Schmidt agreed with Chlipala and said keeping a

space occupied is worthwhile and also good for generation of sales tax revenues. Bernholtz commented that he would prefer that the parking be grandfathered-in as of today's date.

Levy asked if the ordinance was enforceable. Building Official Bob Gillie responded that they will have to see but staff would likely err on the side of leniency regarding enforcement. Levy asked Gillie if there was any evidence that buildings have remained empty due to payment in lieu of parking requirements. Gillie responded that the owners of the Old Bakery Café building were hesitant to rent to a retailer (rather than a restaurant) because of fear of losing parking associated with the restaurant use.

Coburn moved and Helland seconded to approve Ordinance No. 10, Series 2005 and to amend Section 1G items 1, 2, 3, and 5 to state "as of May 14, 1994" (rather than prior to May 15, 1994). Roll call vote taken with Helland, Schmidt, Chlipala and Coburn voting "Yes" and Levy and Bernholtz voting "No." **Motion passed 4-2.**

5. **NEW BUSINESS**

A) Award Contract for 2005 Town of Crested Butte Storm Water and Utility Extension Project.

Public Works Director Bob Gillie noted his memo in the council packet, which explains that Lacy Construction was the low bidder on the project but their bid was still above the engineer's estimate. Gillie outlined several options as noted in his memo.

Gillie recommended that Council allocate an additional \$24,000 from the general capital fund for the project, which brings the total allocation to \$245,000.

Bernholtz moved and Helland seconded to approve an additional \$24,000 from the general capital fund for a total allocation of \$245,000 from the general capital fund for the 2005 Town of Crested Butte Storm Water and Utility Extension project and to award the contract to Lacy Construction. Roll call vote taken with all voting yes. **Motion passed unanimously.**

Chlipala asked about engineering oversight of the project. Gillie explained there would be some engineering oversight and the Town staff would be monitoring the project as well. Gillie noted that the project will start in June and the contract notes that work not occur on certain dates during the busy summer season such as: Fourth of July weekend and during Arts Fair.

6. **LEGAL MATTERS/TOWN ATTORNEY**

- Noted that the plaintiffs filed opening briefs in the Mt. Emmons lawsuit today (June 6, 2005). Schmidt asked Magner to discuss the recent newspaper article regarding U.S. Energy acquiring Mt. Emmons and the possibility of molybdenum mining occurring. Magner discussed background information noting that she's skeptical about U.S. Energy's intent to mine molybdenum at Mt. Emmons. She explained that mining is unlikely to occur in the near future even if molybdenum prices are

currently high because generally prices need to stay consistently high for a number of years before mining will occur. Also, Magner said she heard that molybdenum reserves in China are plentiful so it's doubtful that needs in China would spur molybdenum mining here.

- Reported that the Marshals Department is concerned about a large number of unpaid parking tickets and asked her to draft an ordinance allowing the Marshals to "boot" vehicles that have three or more parking tickets. Council briefly discussed the matter. Several council members expressed concern about booting vehicles and said perhaps other options are available. Helland commented that parking violations should be enforced. Council directed the Town Attorney to draft an ordinance on the matter for consideration.
- Reported that Gunnison County is appealing a recent court decision that federal and state regulations pre-empt county regulations regarding oil and gas drilling.

## **7. STAFF REPORTS**

Hughes: Reported that work on the Town's website is proceeding and in the next week or so she planned to email the council the temporary website address. She asked council to review the site and let her know of any suggestions or concerns.

Hess:

- Noted a memo in the packet outlining the Gunnison County Board of Commissioners (BOCC) policies regarding price appreciation of affordable housing. Hess explained that he was looking for direction from the council as to what revisions to include in the Town's mutual self-help build (MSHB) affordable housing guidelines. Council briefly discussed the matter. Several council members said it's important that affordable housing remain affordable. Several council members expressed support for appreciation being limited to either the Consumer Price Index (CPI) or 3 percent annually and a graduated increase for sweat equity but not all three. Council directed staff to bring a recommendation back to Council.
- Reported on the recent BOCC and County Planning Commission public hearing regarding the proposed Larkspur Subdivision. Hess highlighted several items from the meeting. He noted that the developer is now considering setting aside 15 percent of the lots for affordable housing. He explained that public sentiment on the project was mixed with some people opposing the density of the project, while others supported it. He explained that the next step is the County Planning Commission will discuss the project and make a recommendation to the BOCC.

## **8. COUNCIL REPORTS AND COMMITTEE UPDATES**

Bernholtz:

- Inquired about the status of the tin shed behind the Mountain Heritage Museum. Council directed staff to provide options and recommendations for use of the building.

Levy:

- Noted that the Environmental Protection Agency will be holding a public hearing on the clean up of the standard mine on June 16 and requested staff to notice the meeting. Levy also asked staff to follow up and determine if a notice was sent to the newspaper for publication regarding the work session on the 6<sup>th</sup> Street plan.
- Explained that she attended a recent Mt. Crested Butte Business Association meeting and representatives of Crested Butte Mountain Resort discussed plans for expansion of the ski area onto Snodgrass Mountain, as well as plans for the Town Center. The proposed expansion onto Snodgrass Mountain is in the pre-NEPA (National Environmental Policy Act) stage. Levy reported that the U.S. Forest Service has indicated concern about the geology of the area. Levy also reported that Crested Butte Mountain Resort does not plan to provide day parking in the North Village.

Coburn:

- Inquired about the status of dandelion mitigation on Town fields. Hess responded that a contractor from Gunnison recently inspected the fields and said it would be more beneficial to wait until fall to deal with the problem. Council directed staff to provide an update on the dandelion situation.

**OTHER BUSINESS TO COME BEFORE COUNCIL** –None

Schmidt adjourned the meeting at 9:00 p.m. by unanimous consent.

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James A. Schmidt, Mayor

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Eileen Hughes, Town Clerk